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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Case No. CV 12-03691 LHK

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND THE DEADLINE  
FOR PLAINTIFF TO AMEND HIS  
COMPLAINT TO FEBRUARY 28, 2013**

Defendants.

The parties, plaintiff Brett Johnson and defendants San Benito County, Patrick Turturici and Tony LaMonica, through counsel, jointly submit this stipulation and proposed order seeking an adjustment to the case-management schedule to extend the deadline for the plaintiff to amend his complaint and add new parties from January 31, 2013 to February 28, 2013. This would allow the plaintiff one extra month to obtain necessary discovery that is currently unavailable relating to the Department of Justice investigation, and, deposition testimony. Since the case-management conference, defendants' counsel discovered he must subpoena records from the Department of Justice (DOJ) to produce them to the plaintiff. Further, defendants' counsel's impacted January 2013 trial calendar prevented the parties from setting depositions until early February, 2013. Accordingly, the parties stipulate and request this Court extend this deadline by one month.

**STIPULATION**

The parties have been diligently meeting and conferring and make this request based on good cause. The plaintiff advised this Court of his intention to amend his complaint to conform to proof in the joint case-management statement dated November 29, 2012. In its December 5, 2012 scheduling order, this Court set a deadline of January 31, 2013 for plaintiff to amend or add new parties. When the parties agreed to this date at the December conference, the plaintiff was not aware that: (1) the DOJ report and underlying records would only be produced in response to a subpoena; or, (2) defendants' counsel's trial calendar prevented depositions from being set until early February 2013. The defendants would not be prejudiced by this amendment because no depositions have been taken, discovery is ongoing, and the trial in this matter is not set until January 13, 2014.

Accordingly, the parties hereby stipulate to and request this Court extend the deadline in the pending case-management order to permit the plaintiff to amend his complaint and add new parties from January 31, 2013 to February 28, 2013.

Dated: January 3, 2013

**SCOTT LAW FIRM**

By: /s/ Lizabeth N. de Vries  
Lizabeth N. de Vries  
Attorneys for Plaintiff

Dated: January 3, 2013

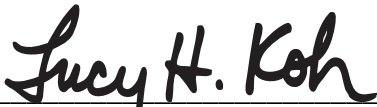
**RANKIN LANDSNESS LAHDE  
SERVERIAN & STOCK**

By: /s/ Michael C. Severian  
Michael C. Severian  
Attorneys for Defendants

**[PROPOSED] ORDER**

Good cause showing and based on the parties' stipulation, the Court extends the deadline for plaintiff Brett Johnson to amend his complaint and add new parties to February 28, 2013.

Date: January 8, 2013



Honorable Lucy H. Koh  
United States District Judge

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